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AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188				
EXAMINER				
CARDENAS NAVIA, JAIME F				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/726,127

**Applicant(s)**

PATEL, PARITOSH D.

**Examiner**

Jaime Cardenas-Navia

**Art Unit**

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 5-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Introduction*

1. This **NON-FINAL** office action is in response to Applicant's submission filed on November 25, 2008. Claim 1 has been amended. Claims 3, 4, and 10-14, 16-18, and 21-28 have been cancelled. No new claims have been added. Claims 1, 2, and 5-9 are currently pending.

### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claims 1, 2, and 5-9 are rejected** under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Based on Supreme Court precedent (See *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978)) and recent Federal Circuit decisions, a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. If neither of these requirements is met by the claim, the method is not a patent eligible process under § 101.

Independent claim 1 claims a process that is not tied to another statutory class and is therefore directed to non-statutory subject matter. Examiner notes that for process claims implemented on a computer to be considered statutory, they must make clear which steps are executed on the computer and which steps are executed manually. Additionally, nominal recitations of structure, such as in the preamble, do not tie the method to another statutory class.

Specifically, it is not entirely clear from the claims that the steps are all executed through the scheduling application rather than manually.

***Response to Arguments***

4. Applicant's arguments have been fully considered by the Examiner. In particular, Applicant argues regarding independent claim 1 that (1) Peskin does not teach or suggest constructing a location matrix comprising a plurality of location nodes and that (2) Klein does not teach or suggest either "assigning a link weight to the line segment between the pair of location nodes, wherein the link weight is a value representing a travel time that connects the pair of location nodes". Additionally, Applicant argues regarding independent claim 1 that (3) none of the cited references teach or suggest "calculating the travel time based at least in part upon link weights of line segments between the origination location node and the meeting location node; and upon receiving a travel condition, adjusting a corresponding link weight to account for the received travel condition and re-computing the travel time based on the adjusted link weight". Finally, Applicant argues that (4) all dependent claims are allowable as a result.

**Regarding argument (1)**, Examiner respectfully disagrees. Fig. 3 of Peskin clearly shows a location matrix (fig. 3, table of rows and columns is a matrix, contains location name, x-y coordinates, and address) comprising a plurality of location nodes (fig. 3, x-y coordinates are nodes) using the broadest reasonable interpretation of the claims.

**Regarding argument (2)**, Examiner respectfully disagrees. Klein clearly teaches assigning a link weight to the line segment between the pair of location nodes, wherein the link weight is a value representing a travel time that connects the pair of location nodes (par. 27,

calculating "period of time for arriving at the destination" (travel time link weight) between current location S and destination Z (pair of location nodes)).

**Regarding argument (3)**, Examiner respectfully disagrees. Klein clearly teaches calculating the travel time based at least in part upon link weights of line segments between the origination location node and the meeting location node (par. 27, calculating "period of time for arriving at the destination" (travel time link weight) between current location S and destination Z (origination and meeting location nodes)). Peskin clearly teaches upon receiving a travel condition, adjusting a corresponding link weight to account for the received travel condition and re-computing the travel time based on the adjusted link weight (par. 96, user's movement parameters, weather conditions, traffic conditions and the like constitute a travel condition, real-time data acquisition of these conditions are used to recalculate travel times, which are the link weights between nodes)

**Regarding argument (4)**, Examiner respectfully disagrees as per the above response.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1, 2, and 5 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Peskin et al. (US 2003/0046304 A1) in view of Klein (US 2004/0220768 A1).

**Regarding claim 1**, Peskin teaches a method for managing travel time of meeting participants within a scheduling application comprising the steps of:

initializing the scheduling application (Abstract);

identifying a meeting and meeting participants, meeting location and a meeting time for a meeting (par. 41, 45);

determining an origination location for at least one meeting participant (par. 41);

automatically computing a travel time for said participant based at least in part upon said meeting location and said origination location (par. 41, user's physical location is origination location, located of scheduled appointment is meeting location, par. 96, calculates time necessary for user to travel from current location to appointment destination), the computing step including:

constructing a location matrix comprising a plurality of location nodes (fig. 3, table of rows and columns is a matrix, contains location name, x-y coordinates (nodes), and address);

identifying a location node corresponding to the meeting location (par. 12, fig. 3, 4);

identifying a location node corresponding to the originating location (par. 12);

upon receiving a travel condition, adjusting a corresponding link weight to account for the received travel condition and re-computing the travel time based on the adjusted link weight (par. 96, real-time data acquisition of user's movement parameters, weather conditions, traffic conditions and the like are used to continuously calculate eta);

calculating a suggested departure time based on the computed travel time (par. 97, user is alerted to depart for a predefined time period plus the calculated travel time); and

presenting a meeting reminder to the meeting participant at some time before the suggested departure time (par. 97, user is alerted to depart for a predefined time period plus the calculated travel time).

Peskin does not expressly teach:

drawing a line segment between each pair of location nodes when travel is possible between the pair of location nodes;

assigning a link weight to the line segment between the pair of location nodes, wherein the link weight is a value representing a travel time that connects the pair of location nodes; and  
calculating the travel time based at least in part upon link weights of line segments between the originating location node and the meeting location node.

Klein teaches:

drawing a line segment between each pair of location nodes when travel is possible between the pair of location nodes (fig. 3);

assigning a link weight to the line segment between the pair of location nodes, wherein the link weight is a value representing a travel time that connects the pair of location nodes (par. 27, calculating "period of time for arriving at the destination" (travel time link weight) between current location S and destination Z (pair of location nodes));

calculating the travel time based at least in part upon link weights of line segments between the originating location node and the meeting location node (par. 27, calculating "period of time for arriving at the destination" (travel time link weight) between current location S and destination Z (origination and meeting location nodes)).

The inventions of Peskin and Klein pertain to scheduling appointments while considering travel time. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Klein does not teach away from or contradict Peskin, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage in flexibility and accuracy of calculating the travel time by plotting the travel pathway as a series of links between nodes.

**Regarding claim 2**, Peskin teaches offering at least one mode of communication for participating in said meeting in a timely fashion, wherein said offering step is based at least in part upon said travel time and meeting time (par. 92, being physically present and speaking is one mode of communication for participating in said meeting).

**Regarding claim 5**, Peskin teaches before said meeting time, determining based upon said travel time that said participant will be unable to arrive at said meeting on-time without some adjustment being made (par. 98).

7. **Claims 6-8 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Peskin et al. (US 2003/0046304 A1) in view of Klein (US 2004/00220768 A1), as applied to claims 1, 2, and 5, further in view of Perrella et al. (US 7,139,722 B2).

**Regarding claim 6**, Peskin does not teach responsively adjusting at least one aspect of said meeting so that said meeting participant can attend said meeting in a timely fashion.



Perrella teaches responsively adjusting at least one aspect of said meeting so that said meeting participant can attend said meeting in a timely fashion (col. 2, lines 15-19, col. 5, lines 46-47, col. 6, lines 24-29).

The inventions of Peskin and Perrella pertain to scheduling appointments while considering travel time. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Perrella does not teach away from or contradict Peskin, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of rescheduling an appointment as soon as it is known that at least one participant will not be able to attend the appointment on time.

**Regarding claims 7**, Peskin does not teach at least one of the following:

changing said meeting time to a later time;

changing said meeting location to reduce an associated travel time for said participant;

and

changing a meeting participation methodology for said participant from physical meeting attendance to a virtual meeting attendance.

Perrella teaches at least one of the following:

changing said meeting time to a later time (col. 2, lines 15-19, col. 5, lines 46-47, col. 6, lines 24-29);

changing said meeting location to reduce an associated travel time for said participant;  
and

changing a meeting participation methodology for said participant from physical meeting attendance to a virtual meeting attendance.

The inventions of Peskin and Perrella pertain to scheduling appointments while considering travel time. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Perrella does not teach away from or contradict Peskin, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of rescheduling an appointment as soon as it is known that at least one participant will not be able to attend the appointment on time.

**Regarding claim 8**, Peskin does not teach responsively conveying an electronic document to each meeting participant, wherein said electronic document specifies at least one of a meeting adjustment notification and a predicted absence notification.

Perrella teaches responsively conveying an electronic document to each meeting participant, wherein said electronic document specifies at least one of a meeting adjustment notification (col. 2, lines 15-19, col. 5, lines 46-47, col. 6, lines 24-29) and a predicted absence notification.

The inventions of Peskin and Perrella pertain to scheduling appointments while considering travel time. All the claimed elements were known in the prior art and one skilled in

the art could have combined the elements as claimed by known methods with no change in their respective functions, as Perrella does not teach away from or contradict Peskin, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of rescheduling an appointment as soon as it is known that at least one participant will not be able to attend the appointment on time.

8. **Claim 9 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Peskin et al. (US 2003/0046304 A1) in view of Klein (US 2004/00220768 A1), as applied to claims 1, 2, and 5, further in view of Matheson et al. (US 2004/0111309 A1).

Neither Peskin nor Klein explicitly teach:

identifying a second meeting that is dependent upon said first meeting; and  
automatically adjusting a parameter of said second meeting responsive to said first meeting exceeding a previously established meeting end time.

Matheson teaches:

identifying a second meeting that is dependent upon said first meeting (par. 51); and  
automatically adjusting a parameter of said second meeting responsive to said first meeting exceeding a previously established meeting end time (par. 52).

The inventions of Peskin, Klein, and Matheson pertain to scheduling while taking into account traveling time. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their

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respective functions, as Matheson does not teach away from or contradict Peskin or Klein, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of fewer and less severe scheduling contacts by automatically adjusting the schedule of dependent meetings as soon as it is known that the meeting the dependent meetings are dependent on is running late.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime Cardenas-Navia whose telephone number is (571)270-1525. The examiner can normally be reached on Mon-Fri, 10:30AM - 7:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 2, 2008

/J. C./  
Examiner, Art Unit 3624

/Bradley B Bayat/  
Supervisory Patent Examiner, Art Unit 3624